

ROUSSEAU: THE TURNING POINT

AT THE MOMENT the Framers wrote "We the people of the United States . . . ," the word "people" had been made problematic by Jean-Jacques Rousseau.¹ How do you get from individuals to a people, that is, from persons who care only for their particular good to a community of citizens who subordinate their good to the common good? The collective "we" in the Preamble might well be the voice of a powerful and wealthy few who coerce and deceive the many and make their consent meaningless. Or the many who consent to the use of "we" may do so innocently, not realizing how much of their "I" they must sacrifice, or corruptly, intending to profit from the advantage of the social contract and evade the sacrifice it demands. It is difficult beyond the belief of early modern thinkers, so Rousseau teaches, to turn men free and equal by nature into citizens obedient to the law and its ministers. "Man was born free. Everywhere he is in chains," he observes. Rousseau's task is not to return man to his original condition but to make the results of force and fraud legitimate, to persuade men that there is a possible social order both beneficial and just.

On the basis of these preliminary remarks, it should be evident that Rousseau begins from an overall agreement with the Framers and their teachers about man's nature and the origins and ends of civil society. Man is born free, that is, able to follow his inclinations and to do whatever conduces to his preservation or comfort, and equal, that is, with no superiors who have a valid claim to command him.

This essay is based on a few relatively short writings of Rousseau: *Discourse on the Arts and Sciences*, *Discourse on the Origins of Inequality*, *Political Economy*, and *Social Contract*. These readings can be supplemented by his longer books: the educational novel *Emile*, the romantic novel *La Nouvelle Héloïse*, and *Confessions*.

¹*Social Contract*, Book 2, Chapters 8–10.

He has no obligations. Government is, therefore, not natural but a construction of man, and the law is a thing strictly of his making. The natural state is wholly distinct from the civil state, and the only way from the one to the other is consent. All other titles of legitimacy, divine or human, derived from appeals to the ancestral or exclusive wisdom, are neither binding nor believable. In *the state of nature* rights are primary; duties are derivative and become binding only after *the social contract* is freely made.

All this and much more provides the common ground of modernity where Rousseau walks arm and arm with his liberal predecessors and contemporaries. He does not reject the new principles, but he radicalizes them by thinking them through from the broadest of perspectives. In his eyes the epic battle of his Enlightenment fellows against throne and altar, which had lasted for two centuries, had simply been won. Monarchic and aristocratic Europe was, he correctly predicted, on its last legs. There would soon be great revolutions, and it is the visage of the political orders that were to emerge that concerns him. He could even afford a few generous gestures of recognition toward the defeated nobles and kings (though rarely the priests) whose moral and political greatness was hardly recognized by those who had been locked in battle with them. The new world would be inhabited by individuals who know they are endowed with rights, free and equal, no longer treading the enchanted ground where rights and duties were prescribed by divinities, now recognizing no legitimacy with higher sources than their own wills, rationally pursuing their own interests. Might they become the victims, willing or not, of new despotisms? Might they not become as morally questionable in their way as the unthinking patriots or fanatic believers who were the special objects of modern criticism and whose place they were to take?

Rousseau's reflections had the effect of outflanking the Framers on the Left, where they thought they were invulnerable. Their enemies were the old European orders of privilege, supported by the church and monopolizing wealth and the ways of access to it, and their revolution was the movement from prejudice to reason, despotism to freedom, inequality to equality. This was a progress, but not one that was to be infinite, at least in principle. The dangers were understood as coming from the *revanchisme* of throne and altar in various forms. There were many opponents of Enlightenment and its political project—in the name of tradition or the ancestral, in the name of the kings and the nobles, even in the name of the ancient city and its virtue. But Rousseau was the first to make a schism within the party of what we may call the Left. In so doing he set up the stage

on which the political drama has been played even until this day. The element that was so much more extreme in the French Revolution than in the American Revolution can be traced, without intermediaries, to Rousseau's influence on its principal actors. And it was by Rousseau's standard that it was judged a failure and only a preparation for the next, and perhaps final, revolution. The camp of radical equality and freedom has very few clear political successes to show for itself, but it contains all the dissatisfactions and longings that put a question mark after triumphant liberalism.

Rousseau gave antimodernity its most modern expression and thereby ushered in extreme modernity. It is a mistake to treat him as only the genius of the Left. His concentration on the people, the corporate existence of individual peoples, provided the basis for the religion of the nation in the nineteenth and twentieth centuries. His assault on cosmopolitan civilization prepared the way for the assertion of national cultures, unique and constitutive of their individual members. His regret of the lost happy unity of man was the source of the romanticism that played at least as much of a role on the Right as on the Left. His insistence on the centrality of religion to the life of the people gave a new content to theology and provided the impulse for the religiosity that is one of the salient traits of the nineteenth and twentieth centuries. The contempt for the new man of liberal society that Rousseau articulated lent itself to the projects of both extremes of the political spectrum, and his Left informed the new Right, which constituted itself on the intellectual shambles of the old Right. His influence was overwhelming, and so well was it digested into the bloodstream of the West that it worked on everyone almost imperceptibly. Even the mainstays of democratic liberalism were affected by Rousseau; they were impressed by his critique of the harshness of the political and economic relations characteristic of the modern state and sought to correct them on the basis of his suggestions. The influence was direct on Alexis de Tocqueville, indirect, by way of Wordsworth, on John Stuart Mill. The Thoreau who for America represents civil disobedience and a way of life free from the distortions of modern society was only reenacting one part of the thought and life of Jean-Jacques.

It is this ubiquity of his presence, often where conservatives or Leftists would least like to recognize him, that makes him the appropriate introduction for this second part of *Confronting the Constitution*. He is the seedbed of all these schools and movements that enrich, correct, defend, or undermine constitutional liberalism. His breadth and comprehensiveness make it impossible to co-opt him completely

into any single camp. The schools that succeed him are all isms, intellectual forces that inform powerful political or social movements with more or less singleness of purpose. Rousseau resists such limitation. For him the human problem is not soluble on the political level; and although he, unlike Socrates, suggests practicable solutions, they are tentative and counterpoised by other solutions and temptations. One can always find in him the objections to each school that depends on him. Therefore, Rousseau did not produce an ism of his own, but he did provide the authentically modern perspective. His concern for a higher, nonmercenary morality is the foundation of Kant's idealism. His critique of modern economics and his questions about the legitimacy of private property are at the root of socialism, particularly Marxism. His emphasis on man's origins, rather than his ends, made anthropology a central discipline. And the history of the movement from the state of nature toward civil society came to seem more essential to man than his nature—hence historicism. The wounds inflicted on human nature by this process of socialization became the subject of a new psychology, especially as represented in Freud. The romantic love of the beautiful and the doubt that modern society is compatible with the sublime and pure in spirit gave justification to the cult of art for art's sake and to the life of the bohemian. The longing for rootedness and for community in its modern form is part of Rousseauian sensibility, and so is the love of nature and the hatred for nature's conquerors. All this and much more flows from this inexhaustible fount. He possessed an unsurpassed intellectual clarity accompanied by a stirring and seductive rhetoric.

THE BOURGEOIS

The *bourgeois* is Rousseau's great invention, and one's disposition toward this kind of man determines one's relation to modern politics inasmuch as he is the leading human type produced by it. The word has a strong negative charge, and practically no one wants to be *merely* a *bourgeois*. The artists and the intellectuals have almost universally despised him and in large measure defined themselves against him. The *bourgeois* is unpoetic, unerotic, unheroic, neither aristocrat nor of the people; he is not a citizen, and his religion is pallid and this-worldly. The sole invocation of his name is enough to legitimate revolutions of Left and Right; and within the limits of liberal democracy, all sorts of reforms are perennially proposed to correct his motives or counterbalance them.

This phenomenon, the *bourgeois*, is the true beginning point of Rousseau's survey of the human condition in modernity and his diagnosis of what ails it. The *bourgeois* stands somewhere between two respectable extremes, the good natural man and the moral citizen. The former lives alone, concerned with himself, his preservation, and his contentment, unconcerned with others, hence wishing them no harm. The latter lives wholly for his country, concerned solely with the common good, existing only as a part of it, loving his country and hating its enemies. Each of these two types, in his own way, is whole—free of the wasting conflict between inclination and duty that reduces the *bourgeois* and renders him weak and unreliable. He is the individualist in society, who needs society and its protective laws but only as means to his private ends. This does not provide sufficient motive to make the extreme sacrifices one's country sometimes requires. It also means that he lies to his fellow countrymen, making conditional promises to them while expecting them to abide by their promises unconditionally. The *bourgeois* is a hypocrite, hiding his true purposes under a guise of public-spiritedness. And hence, needing everyone but unwilling to sacrifice to help others reciprocally in their neediness, he is psychologically at war with everyone. The *bourgeois's* morality is mercenary, requiring a payoff for every social deed. He is incapable of either natural sincerity or political nobility.²

The cause of this dominant new character's flaws is that he took a shortcut on the road from the state of nature to civil society. Rousseau's thinking through of the new political science, which taught that man is not by nature political—a thinking through that led much further in both directions, nature and society, than his predecessors had believed necessary or possible—proved to him that natural motives cannot suffice for the making of social man. The attempt to use man's natural passions as the foundation of civil society fails while it perverts those natural passions. A man who never says "I promise" never has to lie. One who says "I promise" without sufficient motive for keeping his promise is a liar. Such are the social contracts proposed by Hobbes and Locke, requiring binding promises from their participants, who are concerned solely with their own well-being and whose contracts are therefore conditional on calculations of self-interest. Such social contracts tend toward anarchy or tyranny.

In essence, Rousseau's *bourgeois* is identical to Locke's rational and industrious man, the new kind of man whose concern with

²*Social Contract*, Book 1, Chapter 6, note, and *Emile*, trans. Allan Bloom (New York: Basic Books, 1979), pp. 39–41.

property was to provide a soberer and solider foundation to society. Rousseau sees him differently—from the perspective of morality, citizenship, equality, freedom, and compassion. The rational and industrious man might be an instrument of stability, but the cost of relying on him is human dignity. This contrast between two ways of seeing the central actor in modernity summarizes the continuous political debate of the past two centuries.

Rousseau's earliest formulation of this critique of modernity was in his *Discourse on the Arts and Sciences*, which exploded on the European scene with a force hardly credible to us today. In it he made the first attack on the Enlightenment based on the very principles that motivated Enlightenment. Simply put, he argued that the progress and dissemination of the sciences and the arts, their emancipation from political and religious control, are noxious to decent community and its foundation, virtue. By virtue he appears to mean the republican citizen's self-forgetting devotion to the common good, a common good established and preserved by freemen, which protects the equal concern for and treatment of all the citizens. In this definition of virtue, Rousseau follows Montesquieu, who calls virtue a passion and says it was the principle, or spiritual mainspring, of ancient democracies, as fear is of despotism or honor of monarchies. Virtue, of course, was not a passion in any ancient account of it, and it was certainly not especially connected to democracy. Rousseau apparently accepts Montesquieu's account of virtue because he, like the rest of the moderns, believed that passion is the only real power in the soul and that there is nothing else in it capable of controlling the passions. Passion must control passion. Virtue must be understood as a special kind of complex passion. However that may be, Rousseau comes out squarely in defense of those ancient "democracies," early republican Rome and especially Sparta, in opposition to Montesquieu, who in harmony with the general tendency of Enlightenment favored the commercial republic or monarchy (with some indifference as to the choice between the two) because he thought the price for ancient virtue too high. Rousseau chooses patriotism, a motive tinged with fanaticism, because it alone can counterpoise the natural inclination to prefer oneself over everyone else, an inclination much intensified and perverted by man's social condition, where men are interdependent and self-love turns into *amour-propre*, the passion to be first among them, to be esteemed by them as he esteems himself. Patriotism is a sublimated form of *amour-propre*, seeking the first place for one's country. Without such a counterpoise society turns into a struggle for

primacy among individuals or groups who unite to manipulate the whole.

Thus it is as the solvent of patriotism that Rousseau objects to Enlightenment. The fabric of community is woven out of certain immediate habits of sentiment. They are vulnerable to reason, which sees clearly only calculations of private interest. It pierces veils of sentiment and poses too powerfully the claims of preservation and comfort. Reason individualizes. In this Rousseau picks up the old assertion of classical political philosophy that there is a tension between the theoretical and practical lives that renders their coexistence at best uneasy. Or, to put it otherwise, Enlightenment proposed a parallelism between intellectual and moral or political progress, which the ancients regarded as very doubtful, a doubt recapitulated and reinforced by Rousseau, who expresses the opposition in the contrast between Sparta and Athens. He, of course, categorically preferred the former. Enlightenment wished to convert the selfishness of man in the state of nature into the enlightened self-interest of man capable of joining civil society rationally on the basis of the natural and dependable natural passions. It is this conversion Rousseau regarded as noxious and the source of moral chaos and the misery of man. He first comes to light as the defender of the old moral order against the spirit of philosophy to a degree unparalleled by any previous philosopher, doing so perhaps because modernity had more systematically attacked the moral order than had any previous thought. Rousseau is the first philosopher to appear as morality's defender *against* reason. He insisted that the movement from the natural state to the social one could not be made in the direct and almost automatic way Enlightenment claimed.

More concretely, the arts and sciences can flourish only in large and luxurious countries, which means from the outset that they require conditions contrary to those required by the small, austere, tightly knit communities where moral health prevails and the individuals have no objects of aspiration beyond those of the community. For some to be idle, others must work to provide the surplus necessary for them. These workers are exploited for the sake of the few privileged who no longer share their condition or their concerns. The fulfillment of unnecessary desires, begun as a pleasure, ends up being a necessity; the true necessities are neglected and their purveyors despised. Desire emancipated becomes limitless and calls forth an economy to provide for it. The pleasures are exclusive and are pleasant in large measure because they are exclusive. The sense of superiority follows from the practice of the arts and sciences and is also part of the reason they

are pursued. Following from the general principles of modernity, it may be doubted that the intellectual pleasures are natural rather than affects of vanity. They almost always have some of the latter mixed in with them, which suffices to render them antisocial. The spirit of Enlightenment philosophy, perhaps of all philosophy, is to denigrate the simple feelings of common humanity that cause men to forget their self-interest.

In fine, the arts and sciences tend to increase inequality and fix its throne more firmly within society. They give more power to the already powerful and make the weak ever more dependent on the powerful without any common good uniting the two parties. The effective freedom of the state of nature, where man could choose what seems to him good for himself, has been replaced by the imposition of arbitrary authority over him, which has no concern for his good. Freedom was the first and most important of the natural goods, as means to live as one pleases, also as an end in itself. Equality meant that in right nobody can command another and in fact nobody wished to do so because men were independent and self-sufficient. The civil condition means, in the first place, mutual dependence, physically and spiritually, but without order, each struggling to maintain the original freedom, failing to do so as relations of force or power take the place of freedom. The purpose of life becomes trying to find an advantageous place in this artificial system. Freedom is lost, not only because there is mastery and slavery but mostly because it becomes absorbed in commanding or obeying, in moving the wills of others rather than in fulfilling the objects of one's own will. The loss of freedom is best expressed in the fact of inequality, that some men are strong, others weak, some are rich, others poor, some command, and others obey. The primary fact of the state of nature as described by all teachers of the state of nature is that men are free and equal. But the *bourgeois* state, which in speech affirms the primacy of natural freedom and equality, in practice does not reflect that primacy. Natural right, as opposed to merely conventional right, demands the continuation or restoration of the original equality of men.

In this all regimes fail, but Rousseau judges that the ancient city came closest of all to real equality and collective freedom. Although the ancient city looks, with all its restraints, traditions, austerity, harsh duties, and so on, to be much further away from the natural state than does a liberal society where men apparently live pretty much as they please, it comes close to the essence of what really counts for man. The study of the state of nature permits Rousseau to see that essence, but such study cannot result in a plan for building a civil

state that protects that essence. That must be a purely human invention, and the easy solutions that seem to preserve or to be most faithful to nature are specious. Rousseau's analysis leads to a much stricter insistence on freedom and equality within civil society than the thought of Locke or Montesquieu. Against their moderation, Rousseau adds a dose of extremism to modern politics from which it cannot easily recover. What began as an attempt to simplify politics ends up as a program for reform more complex and more imperative than anything that had preceded.

Rousseau introduced the taste for the small, virtuous community into the modern movement toward freedom and equality. Here freedom becomes less each doing what he pleases than each equally taking responsibility for making and preserving the law of the city. Ancient politics used freedom as the means to virtue; Rousseau and his followers made freedom, the natural good, the end and virtue the means to it. But, in any event, virtue, morals, and character become central again to politics and cannot, as the moderns would have it, be peripheral to the machinery of government, to institutions that channel men's passions instead of educating, reforming, or overcoming them.

PROPERTY

This point is made most forcefully in Rousseau's reflections on economics, or, to put it more precisely, on property, the cornerstone of modern politics. "Ancient political writers spoke constantly about morals and virtue; ours speak only about commerce and money."³ A man's attachment to his property, always threatened by the poor and the rapacious, is the special motive used by Locke and his followers to get his consent to the making of a social contract and the reestablishment of government. This is the means of achieving mutual recognition of property rights as well as protection for them from a whole community capable of punishing aggressors. The rational and the industrious who provide for themselves by labor rather than by war are the foundations of civil society, and its purposes are elegantly defined and limited by their needs. They preserve themselves comfortably, following their most powerful inclinations, and produce peace and prosperity for the whole. Their wills assent to the arrangement that their reasons determine best for their interest. This is so manifestly

³*Discourse on the Origins of Inequality*, Part 2. Compare *Social Contract*, Book 1, Chapter 9.

superior to the condition of war that prevails before the contract that it fully engages the hearts and minds of those who profit from it.

The right to property is society's golden thread, the right that emerges as the ground of consensus of the free and equal. "Work and you shall enjoy the fruits of your labors." For Hobbes, whose civil society emerges out of fear of death alone, property rights are left to the prudence of the sovereign, who can arrange them in whatever way seems fitting for the most secure establishment of peace. But for Locke, who taught that property is the true means to peace, property rights are more absolute, and the economic system governing the increase of property, what is now called the market, must as much as possible be respected by the sovereign. Government protects the individual best by protecting his property and leaving him as free as possible to care for it. The naturalness of property and government's special concern for the protection of the pursuit of it are Locke's novelties and become the hallmark of the serious projects for the reform of governments.

For all of the plausibility and even practical effectiveness of this scheme, Rousseau observes, there is something immediately shocking about the assertion that equal men should freely consent to great inequalities of property. The rich have lives that are so much freer, so much easier, so much more open to the enjoyment of life. They are so much more powerful. They can buy the law, and they can buy men. Why should the poor accept this willingly? No, the poor must have been forced to agree, or they must have been deceived. This is not natural right. The property relations that prevail in the nations are so many acts of violence against the poor, which they are too weak to prevent. There is no legitimacy here. The opposition between Locke and Rousseau is measured by the fact that the establishment of private property is for Locke the beginning of the solution to the political problem while for Rousseau it is the source of the continuing misery of man.⁴

This does not mean Rousseau is a communist or that he believed that it is possible or desirable to do away with private property. He is far too "realistic" to follow Plato's *Republic* and abandon the sure motive of love of one's own things. It does mean, however, that he strongly opposes the emancipation of acquisitiveness and that he argues against laissez-faire. For him the business of government is to supervise the pursuit of property in order to limit the inequality of fortunes, to

⁴*Discourse on the Arts and Sciences*, in Roger and Judith Masters, eds., *Two Discourses* (New York: St. Martin's Press, 1964), p. 51.

mitigate the harshness of economic competition, and to moderate the increase of desire among the citizens. Adam Smith's book *The Wealth of Nations*, which is very much in the spirit of Locke, is in large measure a presentation of the iron laws of the increase of property. Rousseau's book *Political Economy* is a treatise devoted to moral education. A modern reader who picks up *Political Economy* finds himself at sea, wondering what in the world this has to do with economics. The science of economics as we know it is predicated on the emancipation of desire, an emancipation Rousseau is concerned to prevent. In no point does Rousseau's analysis of the meaning of freedom and equality differ so much from Locke's as in the property question. The most practically radical opposition to liberal constitutionalism comes from this direction. The property right, which Locke wished to establish solidly, becomes the most doubtful of all things.

Again, though, this difference begins in an initial important agreement between Locke and Rousseau. Property is in its most primitive form that with which a man has mixed his labor. Neither God nor nature gives man directly what he needs. He must provide for himself, and his appropriation of things necessary for preservation is an extension of the original property that all have in their own body. The man who has planted beans and wishes to eat them is universally recognized to have a better right to do so than the one who without planting takes away the other's beans. There is an original of simple justice here, accessible to men of good sense. And Locke follows it through its fullest development and most complicated expressions in commercial societies. The reciprocal recognition of this right to what one has worked for constitutes property, and this solution unites self-interest with justice. The ancient view that property is constituted by a combination of what one has worked for with what one can use well is reduced to the single principle, for the classical formula implies that property is based on political determinations that can be regarded as subjective and arbitrary.

Rousseau parts company with Locke on the question of scarcity. The man who has no beans concerns him. The economist responds, "He didn't plant any, so he doesn't deserve them." But his hunger obliterates his recognition of the property right of the other, and the essence of the right is in the recognition. This malcontent can be controlled by the union of those who have provided themselves with beans, or who have inherited them, and wish to live in security from the attacks of him and his kind. So force must be introduced to compel the idle and contentious to keep away from others' property and to work to provide for themselves. The civil union is really made up of

two groups: those who freely recognize one another's property rights and those who are forced to comply with the rule of the property owners. The latter are used for the collective private interest of the former. *Class* is decisive in civil society, and there is no common good without radical reform.

Thus the liberal view is that society consists in the opposition between, to repeat, the rational and industrious and the idle and quarrelsome. The former produce peace and prosperity for all, while the latter produce penury and war. Rational men must recognize and consent to the order that favors the dominance of the propertied. Rousseauian economics, however, views the social opposition as existing between the selfish, avaricious rich, exploiting nature and men for the sake of the increase of their personal wealth, and the suffering poor, unable to provide for their needs because the land and the other means of production are monopolized by the rich. As the perspective shifts, those who were once objects of execration become objects of pity.

Locke found the source of prosperity in the transformation by labor of the naturally given. This labor is motivated by need, by desire for comfort, and by anxiety for the future. For the satisfaction of all that man might possibly want, there is never enough. Once the imagination has opened out beyond the merest physical need, the desire for acquisition becomes infinite. Rousseau concludes from this that those who are ablest at getting land and money end up possessing all the means of gaining wealth. They produce much wealth, but they do not share. For those who do not succeed, there is ever greater scarcity, and they must live their lives at the mercy of the rich. In the beginning their simple needs did not require much for their satisfaction, but that little disappears, for example, when all the land is enclosed and they have no place to plant their beans. The best they can do is sell their labor to those who have land in return for subsistence, which depends no longer on their own efforts but on the wills of the rich or the impersonal market. The scarcity that Locke asserts existed at the beginning was really, Rousseau asserts, a result of the extreme extension of desire, and Locke's solution increases scarcity within wealth, a scarcity that could be corrected by moderation, a return to a simple economy directed to real needs. The expanding economy can never keep up with the expansion of desire or of longing for the means of satisfying future desire. The economy that was instituted to serve life alters the purpose of life, and the activity of society becomes subservient to it. The present is sacrificed to a prosperous future that is always just beyond the horizon. Actually

nature was not such a stepmother as the moderns thought, and it is not so unreasonable to seek to live according to nature as they teach.

As politics turns into economics, the qualities requisite to the latter come to define the privileged human character. Selfishness and calculation have primacy over generosity and compassion. Dealings among men are at best contractual, always with an eye to profit. Differences of talent at acquisition do exist; but, Rousseau asks, does a decent society privilege them at the expense of differences in goodness and decency? The social arrangement of property that he asserts should follow from the study of man's natural condition is not that of commercial societies but that of agricultural communities, where production requires only simple skills, where the division of labor is not extreme, where exchange is direct and the virtuosos of finance play little role, where inequalities of land and money are, if not abolished, limited, where avarice has little opportunity for activity, and where the motive for work is immediate necessity. The scale should not become such that men are abstractions while money is real. A modest sufficiency of goods and a moderate disposition, not the hope of riches and their perpetual increase, should be the goal of political economy. The natural equality of man can tolerate only a small amount of inequality produced by society.

Rousseau confronts Locke's assertion that liberal economies make all members of society richer and, therefore, palpably better off than they were in the natural condition with the counterassertion that freedom can never properly be put in the same balance with riches and comfort. Perhaps the day laborer in England is better clothed, housed, and fed than a king in America. Unimpressed by the moral qualities Locke finds in the English day laborer, Rousseau turned back toward the proud dignity and independence of the king. Locke took it that his argument is sufficient to persuade the rational poor to accept the inequalities present in society in preference to the neediness of the state of nature. Rousseau uses the same argument to make men rebel against the state of dependence and anxiety caused by the economies of civilized society. He goes further. In depicting the degradation of the *bourgeois*, the new kind of ruler, in comparison with the greatness of the ancient citizen, he makes the life of the advantaged in liberal society appear to be as despicable as the life of the disadvantaged is miserable.

The delegitimization of property's emancipation from political control, that is, from the will of all, was one of the most effective and revolutionary aspects of Rousseau's thought. His great rhetoric was used to make compassion for the poor central to relations among

men and indignation at their situation central to political action. With all the freshness of original insight, before this kind of analysis became routine and tired, he outlined all that is negative about excessive concern for self-preservation and the means of ensuring it. But for all that, Locke was simply right in one decisive aspect. Everybody, not just the rich, gets richer in a system of liberal economy. Gross inequalities of wealth persist or are encouraged by it, but the absolute material well-being of each is greatly enhanced. Rousseau, followed by Marx, taught that the inner logic of acquisition would concentrate wealth in fewer and fewer hands, completely dispossessing the poor and alienating them from the means of becoming prosperous. Locke's great selling point has proved to be true. Joining civil society for the sake of protection and comfort is a good investment. This fact has been widely accepted by Americans for a long time; it is only now becoming fully recognized by Europeans. Intellectuals committed to the revolution are the last to resign themselves to the facts. The grinding sense of necessity has been alleviated and with it most of the revolutionary fervor. One may continue to believe, as somber critics still do, that the way of life of such a society is repulsive and that the motives for association are inadequate and corrupt. But that is not quite the same as the progressive impoverishment and enslavement of mankind at large. Most of all, the poor, the many, the masses—however they are now qualified—become supporters of “the system,” out of crass self-interest, and that destroys the revolutionary movements. The humanness of life may be lessened, but that is not accompanied by starvation.

Locke taught that the protection and increase of property guaranteed by government based on consent are both efficient and just. The justice is harsh natural justice—the protection of unequal natural talents for acquisition from the depredations of the idle, the less competent, the envious, and the brutal. The argument for efficiency remains; but since the full effect of Rousseau penetrated the bloodstream of Western thought, hardly any of the economists who are capitalism's most convinced advocates defend the justice of the inequalities in which it results. It is at best an effective way of increasing collective and individual wealth. Rousseau's arguments for the primacy of natural equality have proved persuasive. The construction of civil society based on inequalities of property-producing gifts is seen to be a contradiction of what is most fundamental. As a matter of fact, natural inequalities of any sort—whether of strength, beauty, or intelligence—must not have any privileges in civil society because they did not in the state of nature. This is a step away from the sway of nature

that Rousseau was the first to make. Nature mandates political inventiveness for the attainment of equality in civil society. Coarse pragmatism can live with a system that "works," as long as it works. But we find ourselves, at least partly because of Rousseau, in the interesting situation where we do not entirely believe in the justice of our regimes.

THE GENERAL WILL

Since man is naturally free, the only political solution in accordance with nature is for Rousseau one where man governs himself.⁵ This does not mean that man consents to let others govern for him. Practically, he cannot accept the dictates of other men. He experiences them merely as wills opposing his will. Other men may force him to act against his wishes, but this is force, not right. Law is not essentially force. For law to be law, the one who obeys it must do so with the assent of his will; and in the absence of a fully wise and just ruler, other men cannot be trusted. The human law worthy of obedience is the law one has made for oneself. Only this formula combines freedom with obligation. Self-legislation is the true meaning of a decent political order.

This Rousseau contrasts with the liberal formula that one gives up a bit of freedom to enjoy the rest undisturbed. This leaves everything unresolved. Just how much is this bit? How is the ever-present possibility of opposition between what the individual wants and the demands of the collectivity to be mediated? The arrangement contains no element of morality or obligation, only contingent calculations of immediate interest. Utilitarian morality is no morality at all. Analysis reduces it at best to long-range self-interest. Real duty, the unself-regarding moral deed, becomes a will-of-the-wisp. The struggle between inclination and duty, obstinate and irreconcilable, is the psychological price paid for the liberal social contract. Only the man whose private will wills only the common good would experience no tension between his individuality and society, freedom and duty.

This analysis is the source of the general will, Rousseau's most famous innovation, his attempt to establish a moral politics that does not degrade man or rob him of his freedom.⁶ The will of individuals is, by definition, individual and is therefore not concerned with the

⁵*Social Contract*, Book 1, Chapter 6.

⁶*Ibid.*, Book 1, Chapter 8.

good of others. But man is capable of generalizing. His rationality consists in it. The simple operation of replacing "I want . . ." by "we want . . ." is typical of reasoning man. The man who wills only what all could will makes a community of shared, harmonious wills possible. The society of men who will generally together dissolves the virtual war of all against all with respect to which liberal society is only a truce. General will is the common good.

Man's dividedness is not overcome by the general will, but its character is transformed. It is no longer experienced as an opposition between self and other, inside and outside. The struggle is now between one's particular desire and one's general will, a will recognized as nonarbitrary and good. Self-overcoming is the essence of the moral experience, and it is this capacity that Rousseau believed he had discovered, a discovery only dimly perceived by ancient politics and entirely lost in modern politics. Willing generally constitutes a new kind of human freedom, not the satisfaction of animal inclination but real choice. It is the privileged and profound form of rationality as opposed to the calculation of personal benefit. It is a transformation of nature that preserves what is essential about nature. Obedience to the general will is an act of freedom. This is the dignity of man, and a good society makes possible and encourages such dignity.⁷

The passage from the particularly willing savage to the generally willing citizen is the triumph of civilization, and it is man's historic activity to construct the bridge between the two. The distance is great. The soul has no such natural order, and its development is not a growth but a willful making, a putting in order of man's disordered and incoherent acquisitions during the course of time. Education is this activity of construction, which Rousseau presents in all its complexity and richness in his greatest work, *Emile*. The putting into political practice of this education is really the work of the legislator, who must be an artist. Beginning from the first needs and desires of a limited and selfish being, passing through all the experiences requisite to learning how to preserve itself, he ends with the man who thinks of himself as man simply, controlling his wishes by the imperative of their possibility for all men.

All this is abstract. For such a man to exist really, there must be a community into which he is woven so tightly that he cannot think of himself separately from it, his very existence formed as part of this whole. The public business is identical to his private interest, and he thinks of it when he wakes in the morning and when he goes to bed

⁷*Ibid.*

at night. It does not suffice that he be an unquestioning part of a traditional society governed by ancestral ways. He must understand himself as guiding his own destiny, as a lawmaker for his city and thereby for himself. Every decision, act, or decree of the city must be understood to be the result of his own will. Only in this way is he autonomous and does he maintain his natural inalienable freedom. The citizen as understood by Rousseau combines the competing charms of rootedness and independence.

It follows immediately that the citizen must choose to practice the severest virtues of self-control, for if his private bodily needs or desires are imperious, he will be too busy tending them. Moderation for the sake of freedom is his principle. This is different from the *bourgeois's* delay of gratification, which still has as its motive the private needs of the individual and looks toward infinite increase as the end. The citizen's efforts are connected with present satisfactions that constitute their own reward. Concern with public business in the assembly of citizens is the core of his life. He works and cares for his property with a view to maintaining a modest competence, setting aside great private indulgences and personal anxieties about the future. The whole organization of community life inclines him toward generality in a substantial way. The choice of individuality would be difficult to make, whereas in a commercial society the public-spirited way of life has no support. Rousseau's city provides little opportunity for private consumer expense and imposes severe sumptuary taxes on itself.

The simplest political requisite of healthy politics is, therefore, a small territory and a small population.⁸ The whole body of citizens must be able to meet regularly. Moreover, they must know one another. The extension of human sentiments is limited, and caring requires acquaintance. Love of country and one's fellows cannot be abstract; they must be continuously experienced. Perhaps the most remarkable difference between Rousseau's politics and the politics of Enlightenment concerns this question of size. The commercial republic tends to favor large territories and large populations. Large markets encourage production and exchange, hence increase of wealth. Moreover, only large countries can counterbalance large and powerful enemies. And they offer all kinds of advantages for the machinery of modern governments that rely less on the good character of men than on various counterpoising forces, on checks and balances. What is sacrificed, according to Rousseau, is autonomy and human connectedness. Concentration on local community and responsibility is part

⁸*Ibid.*, Book 2, Chapter 9; Book 3, Chapter 12.

of Rousseau's legacy, a concentration that goes against all the dominant tendencies of commercial republics in modernity. Rousseau connects large size with despotism. As Montesquieu looked to great nations like England as the models for modern regimes directed to freedom, Rousseau looks to modern cities like Geneva as well as to Sparta to demonstrate the possibility of what he prescribes.

Small size is also necessary to avoid the modern democratic device of representation, which for Rousseau epitomizes the halfway modern solution to the problem of freedom.⁹ Without transforming natural freedom into civil freedom, that is, without abandoning the habit of living as one pleases and doing what is necessary to become a part of a sovereign body, men hope that others will take the responsibility of governing for them while remaining loyal to their will. The effort of determining general wills is to be left to the representatives without having a citizen body that wills generally. This is a prescription for interest politics or the compromising of particular, selfish wills. The idea of the common good disappears, and the conflict of parties takes its place. Worst of all, representation institutionalizes divided modern man, no longer really free, hopelessly dependent on the wills of others, believing himself to be master but incapable of the effort of moral autonomy.

Thus, in broad outline, Rousseau rejects most of the elements of modern constitutionalism including those that make up the U.S. Constitution. The principles of enlightened self-interest as well as the machinery of limited representative government only exacerbate in his view the tension between individual and society and lead to ever greater egotistical individualism accompanied by dangerous arbitrary abuses of centralized governmental power. The very notion of checks and balances encourages the selfishness of partial interests. Good institutions in this sense are predicated on the badness of men. Whether the institutions function or not, they give way to and encourage moral corruption.

The foundings of government Rousseau wishes to encourage are those that make the virtue of all the citizens necessary to their functioning, and they are very complicated affairs. In most modern political philosophy after Machiavelli, there is little talk of founders or legislators. Lycurgus, Solon, Moses, Theseus, Romulus, Numa, and Cyrus were previously the common currency in discussion of the origins of political regimes. It was taken for granted that the union of disparate individuals into a community of goods and purposes is the most difficult

⁹*Ibid.*, Book 3, Chapter 15.

of political deeds and requires men of surpassing greatness to achieve it. A way of life that engages all the members had to be instituted. But the new political discoveries seemed to indicate that the foundation of civil orders was more like the striking of a business contract, where all that is required is individuals who are clear about their personal interests and where they intersect with those of others. The transition into the civil state was understood to be almost automatic, certainly not requiring common agreement about the good life. This hardly perceptible transition indicated the naturalness of the new politics. All that was necessary to the founding of a political order was enlightenment or an instruction manual. Hobbes thought that the advantages of the civil order could be made evident to men before its establishment. The ancients thought that the most far-seeing statesmen alone could know those advantages and that the individual citizens could know them only afterward. The foundings require persuasion, deception, and force as well as an elaborated plan for a way of life adapted to the particular people that is to be founded. The ultimate goals of justice may be universal, but the ways to them are almost infinitely diverse. The legislator must combine particular and universal, taste and principle. Prudence rather than abstract reason is his instrument. Such was the view of ancient politics, and Rousseau partially returns to it, though further encumbering the legislator with the abstract demands of modern legitimacy. All of this underlines Rousseau's view of the great distance between the natural and the civil states.¹⁰

This treatment of legislators may be useful in thinking about the American Framers, whose position is anomalous in modern political thought. Their role was at least halfway between the Enlighteners and Rousseau. Their founding activity was not based on any explicit teaching about founding in the philosophies of Locke or Montesquieu. They were, as is Rousseau's legislator, without authority, acting as they did before the legislation that founds all authority, and their task was almost limitless. Surely they thought not only of the abstract contract but of how it would fit the people they were founding. And they reflected—individual members of the founding group more or less coherently—on the moral character of the citizens and the national life requisite for the success of their project. They were for a time and in their way almost princes, legislating for egalitarian rule, preparing their own extinction, acting out of motives of a vastness and selflessness far transcending those they expected of the citizens. All this is

¹⁰*Ibid.*, Book 2, Chapter 7.

discussed by Rousseau, and it provides a link between the petty egotism attributed by Rousseau to the classical liberal model of politics and the sublime morality Rousseau sought and insisted on.

CONCLUSION

Rousseau's description of what the legislator must accomplish might make the modern reader think that he is speaking of culture rather than politics. The very word "culture," first employed in the modern sense by Kant, stemmed from an interpretation of Rousseau's intention. He was looking for a harmony between nature and civilization, civilization meaning all the historically acquired needs and desires of man and the means of satisfying them discovered by him. Civilization had shattered man's unity. Although the foundation of civil societies and the discovery of the arts and sciences might appear to be simply a progress, if progress is measured by actual happiness rather than the production of the means for the pursuit of happiness, the advantages of civilization become doubtful. The restoration of the unity of man is the project of politics taken broadly. Politics in its narrow modern sense concerns the *state*, the minimal rules for human intercourse, not the happiness of man. Culture is where we think man as a whole lives; it frames and forms man's possible ways of life and his attainment of happiness. It is thought to be the deeper phenomenon. Rousseau appears to us to combine the concerns of culture and of politics. For him they are really not separable. The nineteenth-century idea of culture was completely separated from politics. It ceased to be understood as a conscious founding within the power of men to construct. It came to be understood as a growth, a result of the mysterious process of history. But however far the notion moved from its roots in Rousseau, it continued to express Rousseau's concern for the "organic" character of human association. The habitual way of using the word "culture," as something admirable, as opposed to mere cosmopolitan, superficial "civilization," reflected and still reflects Rousseau's contempt for bourgeois society and modern liberal constitutionalism as well as the critique of civilization he launched with the *Discourse on the Arts and Sciences*.

So it is perhaps helpful for us to describe Rousseau's legislator as the founder of a culture, and this makes more evident the magnitude of the task imposed on him by Rousseau. To succeed he must charm men with at least the appearance of divine authority to make up for the human authority he lacks and to give men the motives for sub-

mission to the law that nature does not provide. He not only needs authority from the gods; he must establish a civil religion that can support and reward men's willing the common good. What is called the sacred today and is understood to be the summit of culture finds a place in Rousseau's project more central than the very ambiguous one it has in liberal legislation, where religion may be understood to be unnecessary or even dangerous to the civil order. As one looks at what the legislator must do, it is hard to resist the temptation to say it is impossible.¹¹

This impression was confirmed for Western consciousness by one highly visible experiment, the legislative activity of Robespierre, or the Terror. The attempt to institute citizenship was a bloody business, which was sufficient to repel most observers. As Locke and Montesquieu were the presiding geniuses of Adams, Madison, Hamilton, and Jefferson in their moderate founding, Rousseau was the presiding genius of the excesses of the French Revolution. Edmund Burke's overwhelming description of the events and Rousseau's influence on them is unforgettable.¹²

In spite of Rousseau's dangerous impracticality, he could not be put aside as just another failure. His articulation of the problem of democratic politics was just too potent. His views about what effect his thought should have on practical politics are difficult to penetrate. Locke and Montesquieu would certainly in general have approved of the handiwork of their great pupils, and Rousseau would just as certainly have disapproved of Robespierre. Although his teaching is full of fervent aspiration, it is also full of bleak pronouncements about the possibility of correcting the tendencies of modernity. Whether or not he thought his kind of city could actually come into being is uncertain. But if it were possible, it would be so only in a few small places with very special circumstances, like Corsica. The universal applicability and possibility of actualization that is the hallmark of modern political science disappears in Rousseau. In this again he is more like Plato and Aristotle than a modern. But Plato and Aristotle made a distinction between the just regime and acceptable ones that permitted men to live with the less than perfect, whereas Rousseau insists that only the simply just regime is legitimate, thereby making almost all real political life unacceptable. He somehow combines the high standards of the ancients with the insistence on actualization of the good regime of

¹¹*Ibid.*, Book 2, Chapter 8. Compare *Emile*, "Profession of Faith of a Savoyard Vicar," pp. 266-313.

¹²Edmund Burke, "Letter to a Member of the National Assembly," in Peter J. Stanlis, ed., *Selected Writings and Speeches* (Garden City, N.Y.: Doubleday & Co., 1963), pp. 511-13.

the moderns, thus producing the ultramodern political disposition.

The origins of this are in Machiavelli's turning away from the imaginary cities of the old philosophers toward the way men really live. He intended to reduce the disproportion between the is and the ought, in favor of the is, so as to achieve the modest goals given by men's real needs. A lowering and simplification of the understanding of man's nature would make the satisfaction of that nature possible. But somehow this moral reductionism does not work. Man's longing for justice and dignity will not accept it, and with Rousseau the old tension reasserts itself in the form of the opposition between the real and the ideal. The state-of-nature teachings, which were elaborations of Machiavelli's intention, taught that man is naturally a brute concerned exclusively with his preservation. Civil society was in those teachings only a more prudent way of realizing the most primitive goals. Its establishment is a progress in that sense alone, not in the sense of a movement from brutishness to humanity. Freedom in the state of nature was only the means to preservation, and equality was only the absence of the authority of any man over any other man to prevent the exercise of his freedom. Civil society uses freedom and equality merely as means to the basic end of comfortable self-preservation. Therefore they could be greatly attenuated in the service of that end. Freedom and equality could be signed over to civil society, which adopts the responsibility for the more effective fulfillment of the goal for which they were the imperfect natural instruments. So it seems. But experience and reflection teach that, once man knows himself to be naturally free and equal, it is impossible to avoid the demand that men in society be free and equal in the most absolute sense. The freedom of man is recognized to be his essence, and civil freedom is not possible without factual equality. In practice all of society's laws remain doubtful until they can really be understood to be self-imposed, and every inequality appears intolerable. The easy-going solution of the satisfaction of the basic needs is overturned by constant demands for greater freedom and equality. They become insistent in practice as men are informed of their natural rights and act as perpetual goads to reform and revolution. What later came to be called a dialectic was set in motion, and natural freedom tends to civil freedom. Only when law is the expression of rational universality and all men are equally recognized by all as moral agents and as ends in themselves is the process complete. The chapter in the *Social Contract* where Rousseau describes the difference between natural animal freedom and moral freedom describes the two terms of the process.¹³

¹³*Social Contract*, Book 1, Chapter 8.

Whatever the consequences, once the principles appear to be self-evident, this aspiration toward ever greater freedom and equality follows, tending to challenge all prudential stopping points or efforts to counterpoise it by other principles or by traditions. The problem can be epitomized by the idea of social contract. All thinkers are in agreement that consent is requisite to the establishment of laws. But, Rousseau argued, none of them before him found any kind of rule of consent that binds the individual when the law is believed by him to be contrary to his interest, that is, in the extreme case, his life, liberty, and property. Only Rousseau found the formula for that, distinguishing self-interest from moral obligation, discerning an independent moral interest in the general will. He discovered the source of moral goodness in modern political principles and provided the flag under which democracy could march. So, at least, it was understood. Regimes dedicated to the sole preservation of man do not have the dignity to compel moral respect.

Although the attempt to incarnate the moral democratic regime in a modern nation appeared worse than quixotic to sober men after the French Revolution, they all agreed that Rousseau had to be taken account of, that his thought had to be incorporated into the theory and practice of the modern state.¹⁴ Kant and Hegel are only the two most notable examples of this, giving an account of moral dignity in freedom based on Rousseau while using it to reinterpret and sublimate *bourgeois* society. Thus they hoped to reconcile Rousseau with the reality of modernity rather than permitting the impulse transmitted by him to lead to ever greater extremes in rebellion against triumphant modernity. Failing that reconciliation, Rousseau's persuasive depiction of humanity shattered and fragmented by the apparently irresolvable conflict between nature and society authorizes many different kinds of attempts to pick up the pieces: on the political Left, new revolutions and new Terrors to install the regime of democratic virtue; on the Right, immersion in the rootedness of local cultures without the justification of rational universality, then there are those who, like Thoreau, flee the corruptions of society in an attempt to recover natural self-sufficiency.

Taking Rousseau seriously, however, does not necessarily mean despising and rejecting the regime of the U.S. Constitution, as the

¹⁴There were strands of utopian socialism that still looked toward the establishment of small communities of the kind Rousseau prescribed. Their most notable expression is the kibbutzim in Israel, founded by Russian Jews influenced by Tolstoy, who was a most ardent admirer of Rousseau.

example of one of the most serious of those thoughtful men influenced by Rousseau proves. That is Alexis de Tocqueville, whose very obvious Rousseauism is masked to contemporary eyes by his conservative admirers, who refuse to admit that he could have any connection with Rousseau, the Leftist extremist. He turned from the spectacle of European egalitarian disorder to the United States, which he saw as the model of orderly liberty. He affirmed without hesitation the justice of equality as over against the unjust privileges of the past. He interpreted the United States as a vast educational undertaking, instructing citizens in the political exercise of their rights. He treated the Founders as men whose characters expressed a higher morality that may not have been contained in their principles. He, of course, could not believe that the United States simply solved the political problem. His view of American democracy is tinged with the melancholy Rousseau induces when one looks at real political practice. He casts respectful glances at American savages and at the great souls of some aristocratic men. He recognized the danger that the regime might tend toward materialism, to mere self-interest on the part of the citizens, and to atomizing individualism. He concentrated on the importance of local self-government, which approximated the participation of the independent city, and saw the New England town as the real foundation of American freedom, the core around which the larger government aggregated. Moreover, he introduced compassion, a sentiment alien to Locke and Montesquieu, as the corrective to the harshness of economic relations in the commercial society. Compassion he took to be the core of democratic feeling and the ground for something more than connections of interest among men. He also concentrated as liberals did not on the connectedness between man and woman and their offspring as constituting an intermediate community, a bridge between individual and society. He simply reproduces Rousseau's reflections on the family in *Emile*. And he looks to a gentle, democratic religion to mitigate the American passion for material well-being. Rousseau makes Tocqueville alert to the dangers of liberal society and allows him to reinterpret it in such a way as to encourage the citizen virtues that can emerge out of the principles of freedom and equality rightly understood.

I have adduced the example of Tocqueville to indicate the kind of meditation about politics that men of Rousseauian sensibilities might have. Rousseau's specific projects were quickly exploded. But he infected most of us with longings for freedom and virtue that are difficult to get over. He is that modern thinker of democracy who had the depth and breadth in his vision of man found in Plato and con-

spicuously absent in those who propounded our principles. He does not simplify man to get results. He can talk about love and God and the sublime in revealing the fullness of the human potential. Most of all Rousseau concentrates not so much on what threatens life as on what makes life worth living, taking his orientation from the positive rather than the negative. He more than any of his predecessors tried, on the basis of what moderns believe to be true about man, to describe and recover the fundamental sweetness of existence. This complicates things but proves irresistible to all those who seek for the good. This generation must come to terms with his understanding of our democratic life, as have all those who lived since he wrote.

Above all Rousseau's criticism of liberalism must be tested against the original and authentic voices of liberalism to see whether they can meet his objections. Is Rousseau perhaps like Machiavelli, who subtly parodied Plato and made him appear to be an idealist to later ages? Is liberalism as coarsely materialistic as Rousseau alleges, or did Locke, Montesquieu, and the *Federalist* anticipate his objections? Did triumphant liberalism forget its own profound moral sources and replace them with oversimplified arguments in favor of itself, leaving itself open to Rousseau's assault? Have we not adopted Rousseau's characterization of us and thereby weakened our self-respect? This confrontation between Rousseau and the great liberals will enhance our self-awareness and make us recognize the profundity of the antagonists. This part of the book is in large measure tribute to the richness of Rousseau's influence. He may be a charm to be overcome. But to do that, his charm must first be experienced.